



US Army Corps
of Engineers.

Public Notice

Public Notice No. 08-70

Date: October 23, 2008

Nashville District

Application No. 2008-00332 Expiration Date: November 22, 2008

Please address all comments to: Nashville District Corps of Engineers, Regulatory Branch
(Attn: Kathleen Kuná) 3701 Bell Road, Nashville, TN 37214 or kathleen.j.kuna@usace.army.mil

SUBJECT: Proposed Discharge of Fill Material into wetlands and streams for a 22-acre expansion of the existing Bivens Industrial Park ash monofil storage facility. The fill is bottom and fly ash from the Tennessee Valley Authority (TVA) Johnsonville Fossil Plant (JFP). The expansion would allow for an additional 2.2 million cubic yards of ash storage.

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, certification must be provided by the Tennessee Department of Environment & Conservation, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated.

APPLICANT: Trans-Ash, Inc.
Joe Kaldmo, Vice President
P.O. Box 15396
Cincinnati, OH 45215

LOCATION: Project is located at 296 Bivens-Cypress Road, Camden, TN 38320, adjacent to the existing Latitude 36.03993 Longitude -88.07186. The proposed project lies just west of the Cypress Creek Embayment at TRM 98.0 LB within the Lower Kentucky Lake Watershed HUC 06040005.

DESCRIPTION: The proposed site is an abandoned rock quarry which has been previously permitted for use as fly ash storage. The existing site has less than one year of remaining storage as of April 2008. The site is traversed by two unnamed tributaries (UT) to Cypress Creek and contains multiple jurisdictional wetland areas. The UT was determined to be a Relatively Permanent Water of the US during a site visit on 17 September 2008. The construction would require the relocation of a total of 1,063 linear feet of the UT's and the discharge of fill material into a total of 3.03 acres of jurisdictional emergent wetlands whose hydrology is primarily from groundwater. The 3.03 acres of impacts are divided into nine separate areas (see attached plans).

ON-SITE MITIGATION:

Stream compensatory mitigation would occur onsite with the relocation of one UT into a new 723 LF channel with 0.64 acres of abutting linear wetlands and the restoration of 634 LF of the second UT. Restoration would include the removal of a culvert and bridge and various water treatment features designed to reduce the high concentrations of dissolved iron from the abandoned gravel and chert pits. Fifty-foot riparian zones would be established along both banks of each stream.

OFF-SITE MITIGATION:

Additional wetland compensatory mitigation will occur offsite with the creation of 9.56 acres of wetlands on TVA owned agricultural lands within the Owl Creek embayment (same as impacted watershed). Constructed berms will retain both backwater flooding from Kentucky Lake and overland runoff from the surrounding higher sections of the property.

Both the stream and wetland mitigation sites will be monitored for a minimum of five years to ensure achievement of success criteria and provide any necessary adaptive management. Annual monitoring reports will be submitted to both the Corps of Engineers and Water Pollution Control.

Location map and plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to

consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

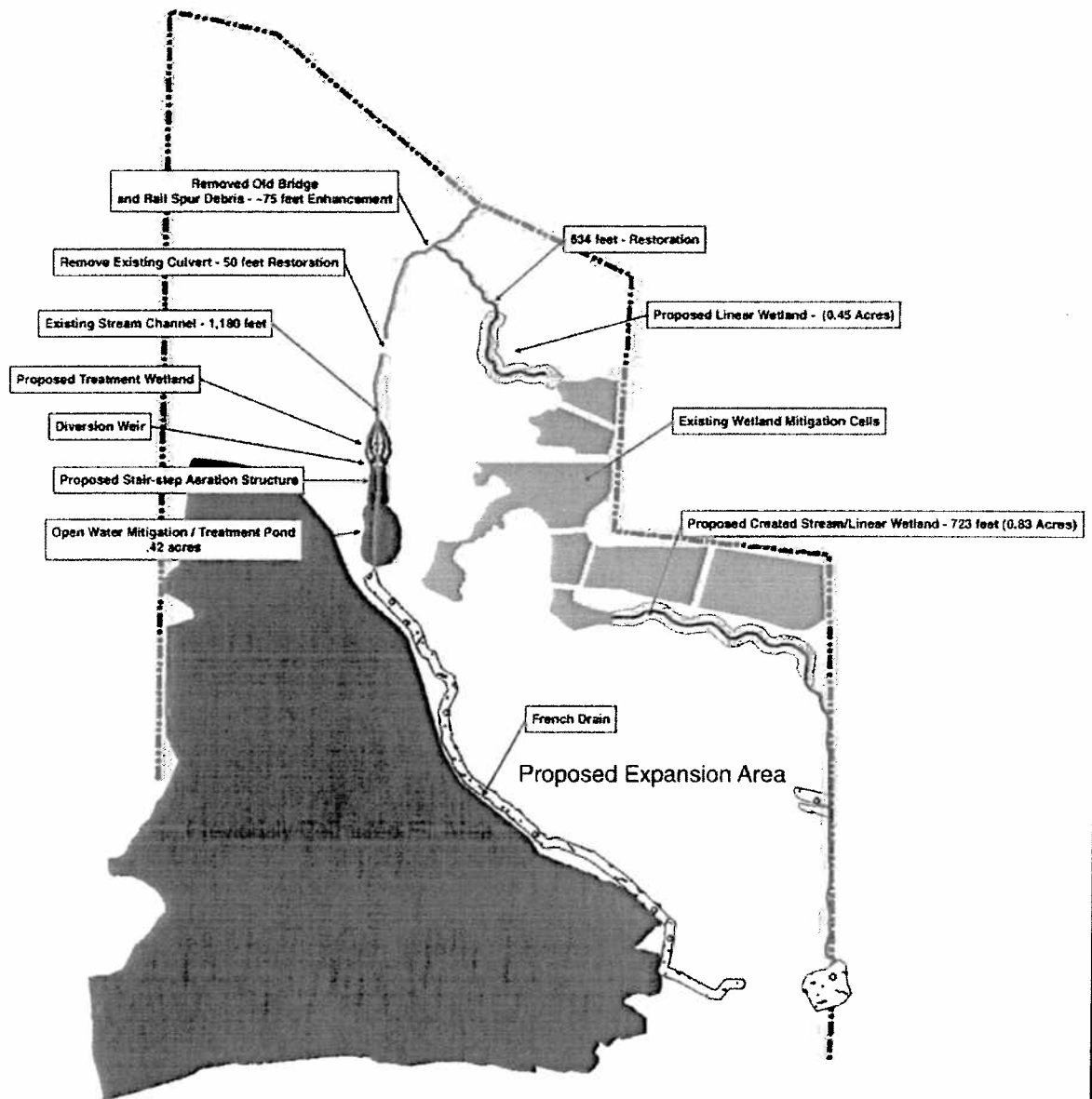
Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held by the Corps of Engineers to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **November 22, 2008** will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506; or by email.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Kathleen Kuna at the above address or phone number.



File No. 2008-01332
PN No. 08-70

Sheet 2 of 4

**Proposed TransAsh Expansion
Mitigation Plan
Camden, Benton County, Tennessee**



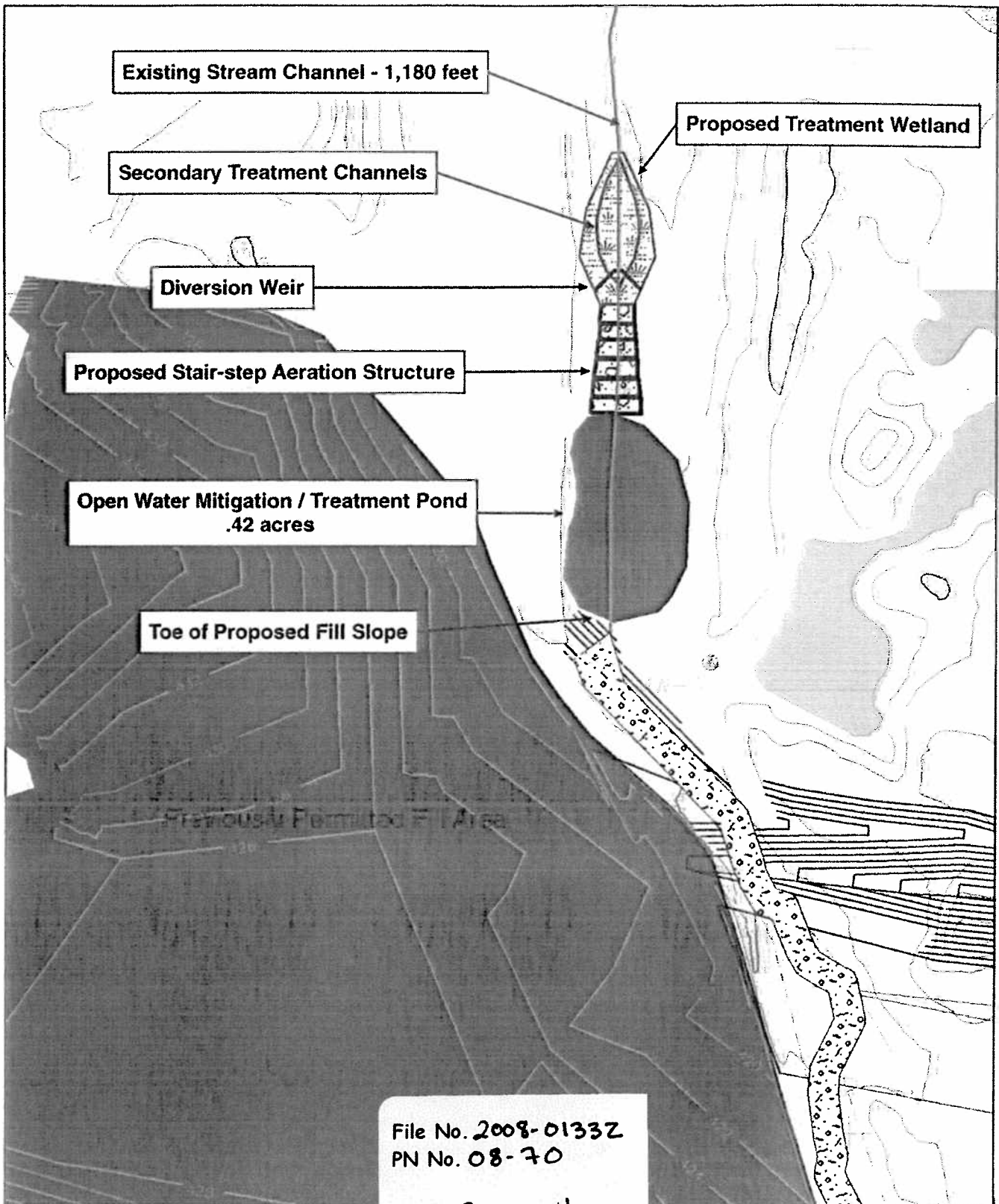
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
406 Duke Drive, Suite 270, Franklin, TN 37067



Drawn By:
CEC

Checked By:
JTD

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File No. 2008-0133Z
PN No. 08-70

Sheet 3 of 4

Proposed TransAsh Expansion
Proposed Plan for
Water Quality Improvement/Iron Treatment
In Existing Stream

Camden, Benton County, Tennessee



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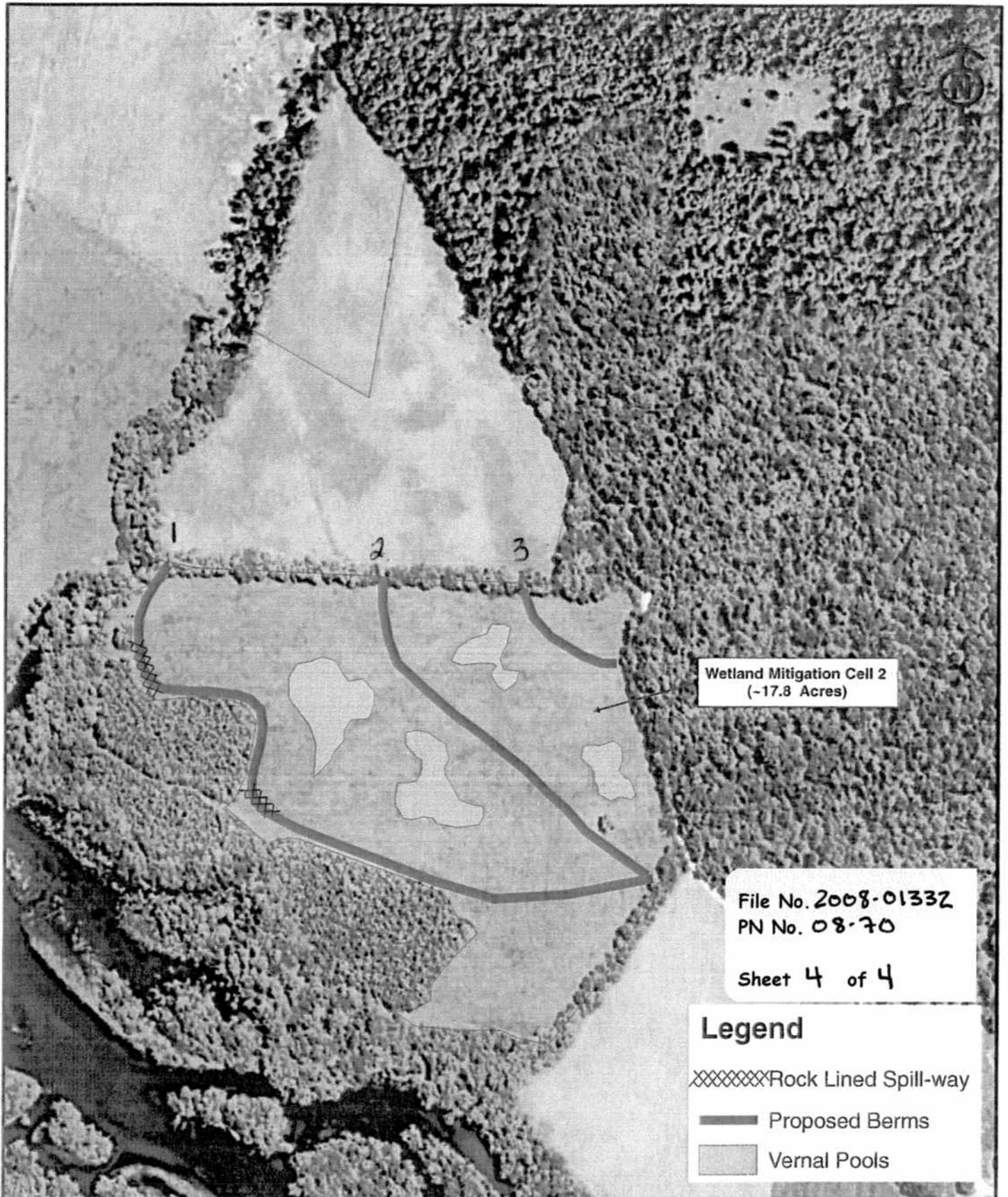
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JTD

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Houston Co., Tennessee
Project No. 072-384



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Columbus, OH * Cincinnati, OH * Indianapolis, IN * Chicago, IL
St. Louis, MO * Export, PA * Detroit, MI * Pittsburgh, PA

FIGURE - 5
TVA Property
Proposed Mitigation Plan
TransAsh Bivens Expansion

1:4,000